

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

ERNEST MOORE,	)	ED98643
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Charles County
v.	)	1111-CV07802
	)	
STATE OF MISSOURI,	)	Honorable Daniel G. Pelikan
	)	
Respondent.	)	Filed: September 3, 2013

Ernest Moore (Movant) appeals from the motion court's judgment denying his Missouri Rule of Criminal Procedure 29.15<sup>1</sup> motion for post-conviction relief after an evidentiary hearing. Movant claims his counsel was ineffective for failing to strike two venirepersons, to advise Movant that the pre-trial plea offer would expire, and to request an instruction.

AFFIRMED.

Division Five Holds: The motion court did not clearly err in denying Movant's Rule 29.15 motion, because Movant failed to show he was prejudiced by the venirepersons' presence on the jury, he failed to show he would have accepted the pre-trial plea offer, and his counsel's failure to request an instruction was a reasonable trial strategy.

Opinion by: Gary M. Gaertner, Jr., J.

Robert M. Clayton III, C.J. and Michael K. Mullen, S.J. concur.

Attorneys for Appellant: Timothy Forneris

Attorneys for Respondent: Chris Koster and Karen L. Kramer

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
SHOULD NOT BE QUOTED OR CITED.**

<sup>1</sup> All rule references are to Mo. R. Crim. P. (2013), unless otherwise indicated.